

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

TROY FATH, VINCENT PUMA,
and HIGINIO BAUTISTA,
individually and on behalf of others
similarly situated,

Case No.: 18-cv-01549-NEB-LIB

Plaintiffs,

v.

HONDA NORTH AMERICA,
INC., AMERICAN HONDA
MOTOR CO., INC., and HONDA
MOTOR COMPANY, LTD.,

Defendants.

CHRISTOPHER HAMILTON, on
behalf of himself and all others
similarly situated,

Case No.: 18-cv-02933-NEB-LIB

Plaintiffs,

v.

AMERICAN HONDA MOTOR
CO., INC.,

Defendant.

**DECLARATION OF MATTHEW D. SCHELKOPF IN SUPPORT OF
JOINT SUBMISSION REGARDING CASE CONSOLIDATION, APPOINTMENT
OF INTERIM CLASS COUNSEL, AND CASE SCHEDULE**

I, Matthew D. Schelkopf, under penalty of perjury, declare as follows:

1. I am a partner at the law firm of Sauder Schelkopf LLC in Berwyn,
Pennsylvania. I am one of the counsel of record in the above-captioned matter and thus

the following facts are within my personal knowledge or are based on records and files at my law firm, and, if called upon as a witness, I could and would testify competently thereto.

2. I submit this Declaration in support of the Joint Stipulation Regarding Case Consolidation, Appointment of Interim Class Counsel, and Case Schedule.

3. Attached hereto as **Exhibit 1** is the firm resume of Sauder Schelkopf LLC.

4. Attached hereto as **Exhibit 2** is the firm resume of Mazie Slater Katz & Freeman, LLC.

5. Attached hereto as **Exhibit 3** is the firm resume of Migliaccio & Rathod LLP.

6. Attached hereto as **Exhibit 4** is the firm resume of Gustafson Gluek PLLC.

A. Background Information about myself and my Firm.

7. I am admitted to practice before the Supreme Courts of Pennsylvania and New Jersey, the Third Circuit Court of Appeals, the Eastern District of Pennsylvania and this Court. I am in good standing in every court before which I am admitted to practice and have never been subject to any disciplinary proceedings in any court.

8. My entire practice is devoted to litigation with a focus on prosecuting class actions involving automotive defects, consumer protection, other defective products and false advertising.

9. Prior to joining Sauder Schelkopf, I practiced at the class action law firm of McCune Wright Arevalo LLP. Prior to joining McCune Wright Arevalo, I practiced at the suburban Philadelphia class action law firm of Chimicles & Tikellis. From 2002 to

2004, I was a prosecutor in the District Attorney's Office of York County, where I litigated 27 jury trials and over 50 bench trials.

10. I received my Bachelor of Arts degree from Pennsylvania State University in 1999. I graduated from Widener University School of Law in 2002, where I was a member of the *Moot Court Honor Society* and *Trial Advocacy Honor Society* and was one of five students inducted into the National Order of Barristers in 2002. I received my LL.M in taxation from Villanova University School of Law in 2008.

11. In 2012, American Lawyer Media, publisher of *The Legal Intelligencer* and the *Pennsylvania Law Weekly*, named me as one of the "Lawyers on the Fast Track," a distinction that recognized 35 Pennsylvania attorneys under the age of 40 who show outstanding promise in the legal profession and make significant contributions to his or her community.

12. In 2010, 2011, 2012, 2013, 2014, 2015 and 2016 Law & Politics and the publishers of Philadelphia Magazine named me a Pennsylvania Super Lawyer *Rising Star*. *Rising Stars* are the top 2.5 percent of attorneys in Pennsylvania, as chosen by their peers and through the independent research of Law & Politics. I was recognized as a Super Lawyer in 2017 and 2018.

13. In 2012, 2013, 2014, 2015 and 2016 the National Trial Lawyers Association named me one of the Top 40 trial lawyers under the age of 40 in Pennsylvania.

Relevant Automotive Experience

14. *Bang v. BMW of North America, LLC*, No. 2:15-cv-69450-MCA-LDW (D.N.J.). I serve as lead counsel in a case on behalf of hundreds of thousands of purchasers and lessees of certain BMW vehicles with N63 engines containing an alleged oil consumption defect. The Honorable Madeline Arleo granted final approval of the settlement on September 11, 2018.

15. *Tolmasoff v. General Motors, LLC*, No. 2:16-cv-11747-GCS (E.D. Mich.). My Partner and I served as class counsel in a case involving a claim of overstated miles-per-gallon in GM vehicles. The Honorable George Caram Steeh granted preliminary approval to a settlement related to claims of overstated miles-per-gallon in certain GM vehicles on July 19, 2017.

16. *Davitt v. Honda North America, Inc.*, No. 2:13-cv-00381-MCA-JBC (D.N.J.). My Partner and I served as class counsel in this class action lawsuit on behalf of current and former owners and lessees of certain Honda CR-V vehicles containing alleged defective door lock actuators. The Honorable Madeline Arleo granted final approval of the settlement on May 8, 2015.

17. *Henderson v. Volvo Cars of North America, LLC*, No. 2:09-cv-04146-CCC-JAD (D.N.J.). My Partner and I served as a lead counsel in this class action lawsuit on behalf of current and former owners and lessees of Volvo vehicles related to an alleged transmission defect in model years (“MY”) 2003-2005 XC90 Turbo 6-cylinder SUVs. Final approval was granted to a settlement that conferred a substantial benefit on over 90,000 class members.

18. *Lax v. Toyota Motor Corporation*, No. 14-cv-01490-WHO (N.D. Cal.). My Partner and I served as sole lead counsel in this class action lawsuit on behalf of current and former owners and lessees of Toyota vehicles related to an alleged design defect regarding the vehicles' piston rings causing an excessive amount of engine oil consumption.

19. *Mendoza v. Hyundai Motor Company, LTD.*, No. 5:15-cv-01685-BLF (N.D. Cal.). My Partner and I are court appointed interim co-lead counsel in this class action lawsuit on behalf of current and former owners and lessees of Hyundai vehicles. The Honorable Beth Labson Freeman granted final approval to the settlement on January 31, 2017.

20. *Neale v. Volvo Cars of North America, LLC, et al.*, No. 2:10-cv-04407-DMC-MF (D.N.J.). My Partner and I served as co-lead counsel on behalf of current and former owners and lessees of Volvo vehicles related to an alleged design defect in the sunroof drainage systems of the S40, S60, S80, V50, V70, and XC90 vehicles.

21. *Whalen v. Ford Motor Company*, No. 3:13-cv-03072-EMC (N.D. Cal.). My Partner and I served as a co-lead counsel in this class action lawsuit on behalf of current and former owners and lessees of Ford and Lincoln vehicles related to an alleged design defect in which the Sync®, MyFordTouch® and MyLincolnTouch® systems fail to operate as designed.

22. *Yaeger v. Subaru of America, Inc.*, No. 1:14-cv-04490-JBS-KMW (D.N.J.). I am court appointed interim co-lead counsel in this class action lawsuit on behalf of current and former owners and lessees of Subaru vehicles related to an alleged design

defect resulting in excessive consumption of engine oil. The Honorable Jerome B. Simandle granted final approval to the settlement on August 31, 2016.

23. *Salcedo v. Subaru of America, Inc.*, No. 1:17-cv-08173-JHR-AMD (D.N.J.). I am court-appointed class counsel in a pending class action lawsuit against Subaru related to an alleged defect in certain Subaru WRX vehicles. The Honorable Joseph H. Rodriguez granted preliminary approval to a proposed settlement on September 28, 2018.

24. *Baranco v. Ford Motor Co.*, No. 3:17-cv-03580-EMC (N.D. Cal.). I serve as counsel in a pending class action lawsuit on behalf of hundreds of thousands of purchasers and lessees of certain Ford vehicles containing defective door latch assemblies that can cause unwarranted “door ajar” warnings leading to the doors not locking and the batteries depleting.

25. *Afzal v. BMW of N. Am., LLC*, No. 2:15-cv-8009-MCA-LDW (D.N.J.). I serve as counsel in a class action on behalf of purchasers and lessees of BMW M3 vehicles with S65 engines containing an alleged rotating assembly defect resulting in engine failure.

26. *Kinnick v. Hyundai Motor America, Inc.*, 8:17-cv-02208-JLS-JDE (C.D. Cal.). I serve as court appointed co-lead counsel in class action on behalf of hundreds of thousands of purchasers and lessees of certain Hyundai Sonata, Tucson and Santa Fe vehicles with alleged connecting rod bearing defect resulting in engine failure.

27. *In re: Kia Engine Litigation*, No. 8:17-cv-00838-JLS-JDE (C.D. Cal.). I serve as court appointed co-lead counsel in a class action on behalf of hundreds of

thousands of purchasers and lessees of certain Kia Optima, Sorento and Sportage vehicles with alleged connecting rod bearing defect resulting in engine failure.

28. *Rivera v. Ford Motor Co.*, No. 16-13786-MAG-APP (E.D. Mich.). I served as counsel in a class action on behalf of hundreds of thousands of purchasers and lessees of certain Ford Focus vehicles with alleged defective Evaporative Emission Control (EVAP) systems causing sudden and unexpected engine stalling.

29. *McKee v. General Motors LLC*, No. 2:18-cv-11303-SJM-APP (E.D. Mich.). I serve as counsel in a class action on behalf of hundreds of thousands of purchasers and lessees of GMC Canyon and Chevrolet Colorado trucks with defective 6L50 transmissions.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Dated: November 7, 2018

/s/ Matthew D. Schelkopf
Matthew D. Schelkopf